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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,447	09/09/2003	Paul David Doyle	80398P540	4896

8791 7590 08/05/2004

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EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,447

Applicant(s)

DOYLE ET AL.

Examiner

Victor R. Kostak

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/09/03 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/20/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2614

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, 9, 11-13, 15, 17-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bohan et al. (cited by applicant).

Bohan (noting particularly Figs. 3, 4 and 9-11) calibrates a color monitor 42 using a screen sensor 44 affixed thereto, standard color monitors inherently having bias saturation, and intensity gain control. Response curves of each of the R, G and B channels are determined using the sensor which picks up imagery from faceplate 42, as a color test patch for each of the three color channels is scanned starting at a minimum intensity (col. 5 lines 65 – col. 6 line 1). A CPU 60 executes instructions to carry out the overall process. The color and intensity is read and the bias is adjusted to calibrate the monitor per color (including the black and white levels or points: col. 4 lines 3-26), thereby meeting claims 11 and 17.

As for claim 1, respective biases of each color channel is adjusted to reduce the difference between the value detected by the test patch and the target black level during a minimum intensity level at first (noting again col. 5 lines 65 – col. 6 line 1), thereby calibrating each channel.

As for claims 6, 12 and 18, the intensity level is increased from minimum eventually to maximum for calibration using the test patch scanning.

Art Unit: 2614

Regarding claims 7, 13 and 19, the white level is measured using the test patch to further calibrate the intensity gain (noting again: col. 4 lines 3-26), the calibration effected by reducing the difference between the read and target levels.

As for claims 9, 15 and 21, an alignment target is used to ensure correct sensor placement (step 118; col. 6 lines 30-33).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 14, 16, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohan et al.

As for claim 8, Bohan stores the curves (comprising the results spanning the range from lowest to greatest intensities) in RAM LUT 70 (Fig. 4) and then converts the values from digital to analog (downstream element 72). It would have been obvious to consider or combine these two associated elements as an analog LUT arrangement since the values from the RAM are actually used only after conversion to analog signals.

As for claims 14 and 20, the data in the LUT would naturally reflect the intensity values determined by the patch scan, starting from least intensity to greatest (as Bohan calibrates for the entire range, as noted above). When considering the relationship between the least intensity value and the greatest, it would have been obvious, if not a natural result, that the ratio of the output values would reflect the LUT outputs.

Art Unit: 2614

Regarding claims 10, 16 and 22, it would have been obvious to take into account the refresh frequencies of the display screen since Bohan points out that different monitors can be calibrated using his scanning and feedback arrangement (col. 9 lines 40-53), noting that different monitors are used to accommodate different types of signals and scanning parameters.

3. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohan et al. in view of Alpert et al. (cited by applicant).

Addressing claim 2, Bohan shows the scanner having what can be considered a first (top) flange 82 and a second (bottom) flange 80, the first flange having a cylindrical core. The wired connector is shown in Fig. 3 which transfers the signal eventually to computer 40 for processing.

Since a typical consideration of the skilled artisan is to arrange loose system components in a manner that enables convenient handling and accessibility, it would have been obvious to one of ordinary skill in the art to assemble the scanner of Bohan that is tethered to the rest of the system in a manner that minimizes awkwardness of the connector, such as by spooling it, as is taught by Alpert, who teaches the benefit of making a cord retractable for storage around a spool (col. 10 line 10+).

As for claim 3 the bottom flange is larger than the top flange, as shown.

Considering claim 4, it would have been obvious to have the bottom flange, which is rubber, in any suitable form, such as translucent, or transparent, such being well known options, and not of consequence.

As for claim 5, it would have been obvious to use plural suction cups instead of a single cup since it is not consequential to the overall calibration operation, the consideration in question

Art Unit: 2614

being the capability to affix the sensor to the screen. A sealed fit is accounted for by Bohan (col. 5 lines 28-32).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

Art Unit: 2614

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK